

AMENDED IN ASSEMBLY MAY 1, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 905**

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**Introduced by Assembly Member Arambula**  
**(Coauthors: Assembly Members Beall and Parra)**

February 22, 2007

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An act to amend Section 8263 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 905, as amended, Arambula. Child care: eligibility.

The Child Care and Development Services Act provides child care and development services to children from birth to 13 years of age and their parents through full- and part-time programs. The act requires the Superintendent of Public Instruction to adopt rules and regulations on ~~eligibility~~ *eligibility*, enrollment, and priority of services needed to implement those programs. A regulation adopted by the Superintendent provides that a family's period of eligibility for those programs is limited to 60 working days during the contract period if the basis of the family's need is seeking employment.

This bill would authorize the Superintendent to extend the 60-day eligibility period by an additional 60 days if he or she determines that *opportunities for employment have diminished to the degree that one or both parents cannot reasonably be expected to find employment within 60 working days* and granting the extension is in the public interest.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8263 of the Education Code is amended to read:

8263. (a) The Superintendent shall adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement this chapter. In order to be eligible for federal and state subsidized child development services, families shall meet at least one requirement in each of the following areas:

(1) A family is (A) a current aid recipient, (B) income eligible, (C) homeless, or (D) one whose children are recipients of protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited.

(2) A family needs the child care services ~~because (A)~~ (A) *because* the child is identified by a legal, medical, social services agency, or emergency shelter as (i) a recipient of protective services or (ii) being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, or (B) because the parents are (i) engaged in vocational training leading directly to a recognized trade, paraprofession, or profession, (ii) employed or seeking employment, (iii) seeking permanent housing for family stability, or (iv) incapacitated.

(b) Except as provided in Article 15.5 (commencing with Section 8350), priority for state and federally subsidized child development services is as follows:

(1) (A) First priority shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If an agency is unable to enroll a child in the first priority category, the agency shall refer the family to local resource and referral services to locate services for the child.

(B) A family who is receiving child care on the basis of being a child at risk of abuse, neglect, or exploitation, as defined in subdivision (k) of Section 8208, is eligible to receive services pursuant to subparagraph (A) for up to three months, unless the family becomes eligible pursuant to subparagraph (C).

(C) A family may receive child care services for up to 12 months on the basis of a certification by the county child welfare agency

1 that child care services continue to be necessary or, if the child is  
2 receiving child protective services during that period of time, and  
3 the family requires child care and remains otherwise eligible. This  
4 time limit does not apply if the family's child care referral is  
5 recertified by the county child welfare agency.

6 (2) Second priority shall be given equally to eligible families,  
7 regardless of the number of parents in the home, who are income  
8 eligible. Within this priority, families with the lowest gross monthly  
9 income in relation to family size, as determined by a schedule  
10 adopted by the Superintendent, shall be admitted first. If two or  
11 more families are in the same priority in relation to income, the  
12 family that has a child with exceptional needs shall be admitted  
13 first. If there is no family of the same priority with a child with  
14 exceptional needs, the same priority family that has been on the  
15 waiting list for the longest time shall be admitted first. For purposes  
16 of determining order of admission, the grants of public assistance  
17 recipients shall be counted as income.

18 (3) The Superintendent shall set criteria for and may grant  
19 specific waivers of the priorities established in this subdivision for  
20 agencies that wish to serve specific populations, including children  
21 with exceptional needs or children of prisoners. These new waivers  
22 ~~may~~ *shall* not include proposals to avoid appropriate fee schedules  
23 or admit ineligible families, but may include proposals to accept  
24 members of special populations in other than strict income order,  
25 as long as appropriate fees are paid.

26 (c) Notwithstanding any other provision of law, in order to  
27 promote continuity of services, a family enrolled in a state or  
28 federally funded child care and development program whose  
29 services would otherwise be terminated because the family no  
30 longer meets the program income, eligibility, or need criteria may  
31 continue to receive child development services in another state or  
32 federally funded child care and development program if the  
33 contractor is able to transfer the family's enrollment to another  
34 program for which the family is eligible prior to the date of  
35 termination of services or to exchange the family's existing  
36 enrollment with the enrollment of a family in another program,  
37 provided that both families satisfy the eligibility requirements for  
38 the program in which they are being enrolled. The transfer of  
39 enrollment may be to another program within the same

1 administrative agency or to another agency that administers state  
2 or federally funded child care and development programs.

3 (d) In order to promote continuity of services, the Superintendent  
4 may extend the 60-working-day period specified in subdivision  
5 (a) of Section 18101 of Title 5 of the California Code of  
6 Regulations for an additional 60 working days if he or she  
7 determines that *opportunities for employment have diminished to*  
8 *the degree that one or both parents cannot reasonably be expected*  
9 *to find employment within 60 working days and* granting the  
10 extension is in the public interest. The scope of extensions granted  
11 pursuant to this subdivision shall be limited to the necessary  
12 geographic areas and affected persons, which shall be described  
13 in the Superintendent's order granting the extension. It is the intent  
14 of the Legislature that extensions granted pursuant to this  
15 subdivision improve services in areas with high unemployment  
16 rates and areas with disproportionately high numbers of seasonal  
17 agricultural jobs.

18 (e) A physical examination and evaluation, including  
19 age-appropriate immunization, shall be required prior to, or within  
20 six weeks of, enrollment. A standard, rule, or regulation shall not  
21 require medical examination or immunization for admission to a  
22 child care and development program of a child whose parent or  
23 guardian files a letter with the governing board of the child care  
24 and development program stating that the medical examination or  
25 immunization is contrary to his or her religious beliefs, or provide  
26 for the exclusion of a child from the program because of a parent  
27 or guardian having filed the letter. However, if there is good cause  
28 to believe that a child is suffering from a recognized contagious  
29 or infectious disease, the child shall be temporarily excluded from  
30 the program until the governing board of the child care and  
31 development program is satisfied that the child is not suffering  
32 from that contagious or infectious disease.

33 (f) Regulations formulated and promulgated pursuant to this  
34 section shall include the recommendations of the State Department  
35 of Health Care Services relative to health care screening and the  
36 provision of health care services. The Superintendent shall seek  
37 the advice and assistance of these health authorities in situations  
38 where service under this chapter includes or requires care of ~~ill~~  
39 children *who are ill* or children with exceptional needs.

1 (g) (1) The Superintendent shall establish a fee schedule for  
2 families utilizing child care and development services pursuant to  
3 this chapter, including families receiving services under paragraph  
4 (1) of subdivision (b). Families receiving services under  
5 subparagraph (B) of paragraph (1) of subdivision (b) may be  
6 exempt from these fees for up to three months. Families receiving  
7 services under subparagraph (C) of paragraph (1) of subdivision  
8 (b) may be exempt from these fees for up to 12 months. The  
9 cumulative period of time of exemption from these fees for families  
10 receiving services under paragraph (1) of subdivision (b) shall not  
11 exceed 12 months.

12 (2) The income of a recipient of federal supplemental security  
13 income benefits pursuant to Title XVI of the federal Social Security  
14 Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program  
15 benefits pursuant to Title XVI of the federal Social Security Act  
16 and Chapter 3 (commencing with Section 12000) of Part 3 of  
17 Division 9 of the Welfare and Institutions Code ~~may~~ shall not be  
18 included as income for the purposes of determining the amount of  
19 the family fee.

20 (h) The family fee schedule shall include, but not be limited to,  
21 the following restrictions:

22 (1) ~~No fees shall~~ *Fees shall not* be assessed for families whose  
23 children are enrolled in the state preschool program.

24 (2) A contractor or provider may require parents to provide  
25 diapers. A contractor or provider offering field trips either may  
26 include the cost of the field trips within the service rate charged  
27 to the parent or may charge parents an additional fee. Federal or  
28 state money ~~may~~ shall not be used to reimburse parents for the  
29 costs of field trips if those costs are charged as an additional fee.  
30 A contractor or provider that charges parents an additional fee for  
31 field trips shall inform parents, prior to enrolling the child, that a  
32 fee may be charged and that no reimbursement will be available.  
33 A contractor or provider may charge parents for field trips or  
34 require parents to provide diapers only under the following  
35 circumstances:

36 (A) The provider has a written policy that is adopted by the  
37 agency's governing board that includes parents in the  
38 decisionmaking process regarding both of the following:

39 (i) Whether or not, and how much, to charge for field trip  
40 expenses.

1 (ii) Whether or not to require parents to provide diapers.

2 (B) The maximum total of charges per child in a contract year  
3 does not exceed twenty-five dollars (\$25).

4 (C) ~~No child is~~ *A child shall not be* denied participation in a  
5 field trip due to the parent's inability or refusal to pay the charge.  
6 Adverse action ~~may~~ *shall* not be taken against a parent for that  
7 inability or refusal.

8 Each contractor or provider shall establish a payment system  
9 that prevents the identification of children based on whether or  
10 not their parents have paid a field trip charge.

11 Expenses incurred and income received for field trips pursuant  
12 to this section shall be reported to the ~~State Department of~~  
13 ~~Education~~ *department*. The income received for field trips shall  
14 be reported specifically as restricted income.

15 (i) The Superintendent shall establish guidelines for the  
16 collection of employer-sponsored child care benefit payments from  
17 a parent whose child receives subsidized child care and  
18 development services. These guidelines shall provide for the  
19 collection of the full amount of the benefit payment, but not to  
20 exceed the actual cost of child care and development services  
21 provided, notwithstanding the applicable fee based on the fee  
22 schedule.

23 (j) The Superintendent shall establish guidelines according to  
24 which the director or a duly authorized representative of the child  
25 care and development program will certify children as eligible for  
26 state reimbursement pursuant to this section.

27 (k) Public funds shall not be paid directly or indirectly to an  
28 agency that does not pay at least the minimum wage to each of its  
29 employees.

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